

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3927

Allen Ray Bishop,

Appellant,

v.

Donnie Threet, Deputy;
Bob Ross, Sheriff,

Appellees.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: February 27, 2002

Filed: March 4, 2002

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Allen Ray Bishop, a former inmate at the Crawford County Detention Center in Van Buren, Arkansas, appeals from the district court's¹ adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action alleging deliberate indifference. Upon

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendations of the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas.

de novo review of the record, we conclude that summary judgment was proper. See Larson v. City of Fergus Falls, 229 F.3d 692, 696 (8th Cir. 2000) (standard of review); Keeper v. King, 130 F.3d 1309, 1314 (8th Cir.1997) (to prove deliberate indifference, plaintiff had to show defendants knew of, yet disregarded, excessive risk to his health); Sanders v. Sears, Roebuck & Co., 984 F.2d 972, 975 (8th Cir. 1993) (respondeat-superior-based claim “is not cognizable under § 1983”). Further, the district court did not commit a gross abuse of discretion affecting the fundamental fairness of the proceedings by refusing to compel discovery. See Stuart v. Gen. Motors Corp., 217 F.3d 621, 630 (8th Cir. 2000) (standard of review).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.